IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7271 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEVANSHU R SHUKLA

Versus

STATE OF GUJARAT

Appearance:

MR EE SAIYED for Petitioners

MR MUKESH PATEL, AGP for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 18/02/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioners, eighteen in number, have challenged the decision of the authorities to recover the bond amount of Rs.5000/- from each of the petitioners as per the communication at Annexure "B" to the petition on the ground that they have violated the conditions of the bond which was executed by each of the petitioners while joining the MBBS course. The petitioners have challenged

the legality of such decision and have contended that there is no law, rules and regulations and that, therefore, the impugned decision is illegal.

2. At the hearing of this petition, Mr Mukesh Patel, learned AGP appearing for the respondent authorities submits that the controversy raised in this petition is squarely concluded by the decision dated 13.4.1994 rendered by this Court (Coram : Hon'ble Mr Justice C.K. Thakkar) in Special Civil Application No. 3819/94 with Special Civil Application Nos. 3848 to 3882 of 1994. Having gone through the said decision, it appears that the matter is concluded against the petitioners. Hence, there is no substance in this petition and the petition is dismissed.

Rule is discharged. There shall be no order as to costs.

3. At this stage, Mr Mukesh Patel, learned AGP states that petitioner No. 1-Dr Devanshu R. Shukla has already deposited a sum of Rs.5000/- on 22.5.1992 with the authorities and that since the petition has been dismissed, the State Government ought to be compensated for the loss of interest on the amount which continues to be enjoyed by the petitioners. The request is reasonable. Petitioner Nos. 2 to 17 are, therefore, directed to deposit the amount of Rs.5000/- each together with interest at the rate of 12% p.a. from the date of filing the petition (26.10.1988) till the date of payment.

February 18, 2000 (M.S. Shah, J.)
sundar/-